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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL BLAKE DeFRANCE,

Defendant.

CR 21-29-M-DLC

**DEFENDANT DeFRANCE'S
UNOPPOSED MOTION TO
PERMIT CONVENTIONAL
FILINGS OF RECORDINGS AND
TRANSCRIPTS UNDER SEAL**

MOTION

This is a criminal case currently pending in the Ninth Circuit Court of Appeals on an interlocutory appeal. In preparing the Ninth Circuit opening brief and excerpts of record, we have recognized a need to reference two segments from two recorded phone calls that the government provided as part of the discovery. We listed these recordings as Anticipated Exhibits in our trial brief (ECF No. 123) as Exhibits 513

and 515. Transcripts of these calls were also marked as Anticipated Exhibits in the trial brief as Exhibits 514 and 516. (*See* ECF No. 123, p. 9). Both of the recordings constitute Criminal Justice Information under Montana law and Sensitive Material under the rules of this Court. Consequently, to ensure that the Ninth Circuit can reference these items, the defense hereby moves to file same conventionally and under seal. These Exhibits (513-516) have been lodged with the Clerk of Court.

CONTACT WITH OPPOSING COUNSEL

Assistant United States Attorney Jennifer S. Clark has been contacted regarding this motion and the government has no objection.

CONCLUSION

WHEREFORE, the defense prays this Court will permit and order conventional filing of the Exhibits under seal as requested herein.

RESPECTFULLY SUBMITTED this 18th day of October, 2022.

/s/ Michael Donahoe
MICHAEL DONAHOE
Assistant Federal Defender
Counsel for Defendant

**CERTIFICATE OF SERVICE
L.R. 5.2(b)**

I hereby certify that on October 18, 2022, a copy of the foregoing document was served on the following persons by the following means:

1 CM-ECF

2 Mail

1. CLERK, UNITED STATES DISTRICT COURT

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2. MICHAEL BLAKE DeFRANCE
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/s/ Michael Donahoe
FEDERAL DEFENDERS OF MONTANA